

## REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 28-41 are now present in this application, claims 40 and 41 being added by way of the present amendment. Claim 29 stands rejected under 35 U.S.C. §112, second paragraph. Claims 28-31 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. 4,832,789 (Cochran et al.). Under 35 U.S.C. §103(a), claims 32-34, 36 and 37 stand rejected over Cochran et al. in view of U.S. 5,612,254 (Mu et al.), claim 35 stands rejected over Cochran et al. in view of U.S. 5,272,117 (Roth et al.), and claims 38 and 39 stand rejected over Cochran et al. in view of Roth et al. and further in view of Mu et al.

Claim 28 has been amended to recite the groove having a bottom to which the second insulation film is exposed. Claim 29 recites a portion of the second insulating film which is exposed to the groove. Claim 29 is believed to have proper antecedent basis for the phrase objected to in the Office Action. It is respectfully submitted that claim 29 is in full compliance with the requirements of 35 U.S.C. §112, second paragraph, and withdrawal of this rejection is respectfully requested.

In the process of claim 28, first, second and third insulating films are formed. A groove is formed in a region of the third insulating film, in which a wiring is to be formed, the groove having a bottom to which the second insulating film is exposed. In the rejection of claim 28, the Office Action finds films 23, 25 and 27 to correspond to the recited first-third insulating films. In the process taught by Cochran et al., as shown in figures 2-4, dielectric layers 25 and 27 are patterned using photoresist and etching, where the bottom dielectric layer (23) acts as an etch stop layer for the etch of the second dielectric layer (25). This is also described in column 3 at lines 17-26. In other words, the intent in Cochran et al. is to selectively remove insulating films 25 and 27 leaving film 23 exposed at the bottom of

the groove. In claim 28, the second insulating film is exposed at the bottom of the groove. Clearly, Cochran et al. do not disclose the method of claim 28, and, in fact, teach away from claim 28 by directing one skilled in the art to remove both of films 25 and 27 to expose film 23. There is clearly no suggestion of claim 28 found in Cochran et al. Withdrawal of the rejection based upon Cochran et al. is respectfully requested.

The Mu et al. and Roth et al. references are cited for teaching a barrier layer made of Nb and a carbon etch stop layer. Even if such teachings were combined with Cochran et al., there would still be no suggestion of claim 28 as neither of these references contain any suggestion regarding the forming of the groove as recited in claim 28. Claim 28 is also patentably distinguishable over Cochran et al. considered with either Mu et al. or Roth et al.

Claim 29 recites removing a part of that portion of the second insulating film which is exposed to the groove, and a part of the first insulating film to form a contact hole reaching the semiconductor substrate. In Cochran et al., all of film 27 is removed and thus there is clearly no suggestion of removing a part of the portion of the insulating film exposed in the groove. Claim 29 is also believed to be patentably distinguishable over the applied prior art and therefore allowable.

It is respectfully submitted that the present application is in condition for allowance and a favorable decision to that effect is respectfully requested.

Respectfully submitted,

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